



Notice of Price Agreement Award

Page 1 of 12
Printed: 4/16/2003

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CAPITOL HILL
PROVIDENCE RI 02908

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|----------------------------|---|---|--|
| V E N D O R | MEDICAL TECHNICAL GASES INC 20 HALL ST MEDFORD MA 02155 | GASES- MED, LAB & INDUSTRIAL | |
| | | Award Number 68M203821A | Effective Period: 7/1/01 - 7/31/04 |

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|----------------------------|--|--|---------------------------------|--|
| S H I P T O | ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA | Date: 04/16/2003 Buyer: LINDA ROCHE Shipping: F.O.B., Destination Terms: Net 30 | I N V O I C E | ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA |
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| Department | | Bid Number | Requisition Number |
|----------------|---|------------|--------------------|
| ADMINISTRATION | | MPA-169 | 12284 |
| Item | | Unit | Unit Price |
| | <p>7/1/01 - 7/31/04 WITH OPTION TO RENEW FOR (2) TWO ADDITIONAL (2) TWO YEAR PERIODS.</p> <p>MASTER PRICE AGREEMENT #169</p> <p>THIS IS A NOTICE OF AWARD, NOT AN ORDER. Any quantity reference in the agreement or in the bid preceding it are estimates only and do not represent a commitment on the part of the state to any level of billing activity, other than for quantities or volumes specifically released during the term. No action is to be taken except as specifically authorized, as described herein under AUTHORIZATION AND RELEASE.</p> <p>ENTIRE AGREEMENT - This NOTICE OF AWARD, with all attachments, and any release(s) against it shall be subject to: (1) the specifications, terms and conditions set forth in the Request/Bid Number cited herein, (2) the General Terms and Conditions of Contracts for the State of Rhode Island and (3) all provisions of, and the Rules and Regulations promulgated pursuant to, Title 37, Chapter 2 of the General Laws of the State of Rhode Island. This NOTICE shall constitute the entire agreement between the State of Rhode Island and the Vendor. No assignment of rights or responsibility will be permitted except with the express written permission of the State Purchasing Agent or his designee.</p> <p>CANCELLATION, TERMINATION and EXTENSION - This Price Agreement shall automatically terminate as of the date(s) described under CONTRACT PERIOD unless this Price Agreement is altered by formal amendment by the State Purchasing Agent or his designee upon mutual agreement between the State and the Vendor.</p> <p>REPORTS - The Vendor agrees to provide the State with quarterly reports describing activity against this Price Agreement. If this is a Master Price Agreement, such reports shall include usage by municipalities, quasi-public agencies, schools, etc. All reports shall contain the following data: (1) Billing volume in dollars and (2) quantity ordered for each line item in the price agreement. When there are no line items in the price agreement, vendor shall report volume by catalog order numbers, with a brief description of each order number.</p> | | |

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| Item | | | Unit | Unit Price |
| | Reports must be submitted to the RI Division of Purchases to the attention of the BUYER named in this notice, identifying the Agreement number and the Reporting Period. Quarterly reports shall be due 45 calendar days after the end of each quarter. Failure to submit required reports shall be considered a breach of the contractor's obligations and may be considered, at the discretion of the State Purchasing Agent, sufficient cause for the termination of the agreement and other outstanding agreements and orders, and possible suspension from participation in additional State procurements. CYLINDERS ARE SIZED BY CF UNLESS OTHERWISE STATED. PRICE PER CYLINDER | | | |
| 1.0 | ACETYLENE CYLINDER SIZE: 140 | | EA | 13.98 |
| 2.0 | ACETYLENE B CYLINDER SIZE: 40CF | | EA | 7.56 |
| 3.0 | ACETYLENE, GR 2.6, AA CYLINDER SIZE: 330 | | EA | 54.75 |
| 4.0 | AIR ZERO 0.1 CYLINDER SIZE: 300CF | | EA | 24.00 |
| 5.0 | AIR ZERO 0.1 CYLINDER SIZE: 256 | | EA | 19.95 |
| 6.0 | ARGON CYLINDER SIZE: 336CF | | EA | 16.80 |
| 7.0 | ARGON PP 4.8 CYLINDER SIZE: 286 | | EA | 15.48 |

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|----------------|---|---------|------------|--------------------|
| ADMINISTRATION | | MPA-169 | 12284 | |
| Item | | | Unit | Unit Price |
| 8.0 | ARGON PRE PURE CYLINDER SIZE: 236 | | EA | 18.30 |
| 9.0 | ARGON 75/CO 2 CYLINDER SIZE: 272 | | EA | 20.40 |
| 10.0 | ARGON PP 4.8 CYLINDER SIZE: 336 | | EA | 18.30 |
| 11.0 | BREATHING AIR MEDICAL SIZE H CYLINDER SIZE: 256 | | EA | 7.60 |
| 12.0 | CARBON DIOXIDE 50# SIPHON CYLINDER SIZE: 50# | | EA | 7.00 |
| 13.0 | CARBON DIOXIDE 50# CYLINDER SIZE: 50# | | EA | 7.00 |
| 14.0 | CARBON DIOXIDE MEDICAL CYLINDER SIZE: 50# | | EA | 7.45 |
| 15.0 | CHLORINE HP 2.5 CYLINDER SIZE: 150# | | EA | 177.00 |
| 16.0 | EPA PROTOCOL, 2 COMP/1 TEST CYLINDER SIZE: 152CF | | EA | 244.00 |
| 17.0 | HELIUM CYINDER SIZE: 291CF | | EA | 30.20 |

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| ADMINISTRATION | | MPA-169 | 12284 | |
| Item | | | Unit | Unit Price |
| 18.0 | HELIUM HP 4.7 CYLINDER SIZE: 291 | | EA | 48.00 |
| 19.0 | HELIUM UHP 5 CYLINDER SIZE: 291 | | EA | 56.70 |
| 20.0 | HELIUM ZERO 0.5 CYLINDER SIZE: 291 | | EA | 48.00 |
| 21.0 | HELIUM CYLINDER SIZE: 244CF | | EA | 25.35 |
| 22.0 | HELIUM, ZERO 0.5 CYLINDER SIZE: 244 | | EA | 43.00 |
| 23.0 | HYDROGEN CYLINDER SIZE: 219 | | EA | 7.60 |
| 24.0 | HYDROGEN UHP GR5 CYLINDER SIZE: 219 | | EA | 40.50 |
| 25.0 | HYDROGEN UHP GR5 CYLINDER SIZE: 261 | | EA | 57.20 |
| 26.0 | LIQUID HELIUM-PER LITER CYLINDER SIZE: 100 LITER DEW | | EA | 425.00 |
| 27.0 | LIQUID NITROGEN - PER LITER CYLINDER SIZE: 165 LITER DEW | | EA | 27.20 |

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| Item | | | Unit | Unit Price |
| 28.0 | MEDICAL OXYGEN CYLINDER SIZE: 13 | | EA | 2.00 |
| 29.0 | MEDICAL OXYGEN CYLINDER SIZE: 27 | | EA | 2.00 |
| 30.0 | MEDICAL OXYGEN CYLINDER SIZE: 282 | | EA | 4.50 |
| 31.0 | MEDICAL OXYGEN CYLINDER SIZE: 127 | | EA | 2.00 |
| 32.0 | NITROGEN CYLINDER SIZE: 255 | | EA | 4.00 |
| 33.0 | NITROGEN CYLINDER SIZE: 300CF | | EA | 4.50 |
| 34.0 | NITROGEN PRE PURE CYLINDER SIZE: 255 | | EA | 4.00 |
| 35.0 | NITROGEN UHP 5 CYLINDER SIZE: 300CF | | EA | 30.00 |
| 36.0 | OXYGEN CYLINDER SIZE: 281CF | | EA | 3.90 |
| 37.0 | OXYGEN CYLINDER SIZE: 281 | | EA | 3.90 |

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| Item | | | Unit | Unit Price |
| 38.0 | OXYGEN CYLINDER SIZE: 127 | | EA | 2.00 |
| 39.0 | P-10 METHANE/ORGON UNANALYZED CYLINDER SIZE: 300CF | | EA | 56.95 |
| 40.0 | P-5 METHANE/ARGON UNANALYZED CYLINDER SIZE: 300CF | | EA | 56.95 |
| | MINIMAL USAGE GASES | | | |
| 41.0 | ACETYLENE MC CYLINDER SIZE: 10CF | | EA | 5.00 |
| 42.0 | ARGON CYLINDER SIZE: 124CF | | EA | 6.20 |
| 43.0 | ARGON 75/CO2 25 CYLINDER SIZE: 126CF | | EA | 9.90 |
| 44.0 | CARBON DIOXIDE - BONE DRY 2.8 CYLINDER SIZE: 60# | | EA | 11.20 |
| 45.0 | CARBON MONOXIDE IN N2 0.1 50% ANALYZE CYLINDER SIZE: 200CF | | EA | 60.00 |
| 46.0 | CO2/AIR MIX - CERTIFIED CYLINDER SIZE: 213 | | EA | 59.95 |

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| Item | | Unit | | Unit Price |
| 47.0 | EPA PROTOCOL, 3 COMP/2TEST CYLINDER SIZE: 152CF | EA | | 349.00 |
| 48.0 | H2 IN ARGON - 6.2% 50% UNANALYZED CYLINDER SIZE: 300CF | EA | | 27.00 |
| 49.0 | H2/HE HELIFUEL 40% CYLINDER SIZE: 213 | EA | | 49.95 |
| 50.0 | HELIUM GR 6 CYLINDER SIZE: 244 | EA | | 191.00 |
| 51.0 | HELIUM/ARGON/CO2 CYLINDER SIZE: 295CF | EA | | 20.40 |
| 52.0 | HYDROGEN PP 4.7 CYLINDER SIZE: 219 | EA | | 26.00 |
| 53.0 | HYDROGEN UHP GR 5 CYLINDER SIZE: 79 | EA | | 16.80 |
| 54.0 | NITROGEN CYLINDER SIZE: 112 | EA | | 2.80 |
| 55.0 | NITROGEN CYLINDER SIZE: 60 | EA | | 2.70 |
| 56.0 | NITROGEN, ZERO 0.2 CYLINDER SIZE: 256 | EA | | 22.60 |

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| 57.0 | CO2/ARGON-CYLINDER SIZE "S" CYLINDER SIZE: 50 | | EA | 9.90 |
| 58.0 | 30PPM SULPHUR DIOXIDE 3000PPM CARBON MONOXIDE BALANCE NITROGEN-EPA MIX CYLINDER SIZE: 140 | | EA | 398.00 |
| 59.0 | S-AIR-ZERO GRADE CYLINDER SIZE: 80 | | EA | 19.95 |
| 60.0 | JR. M-1% OXYGEN BALANCE NITROGEN - ANALYZED CYLINDER SIZE: 35 | | EA | 54.95 |
| 61.0 | S-ETHANE-CP GRADE CYLINDER SIZE: 12# | | EA | 199.50 |
| 62.0 | 25% CO2/BAL ARGON CYLINDER "E" CYLINDER SIZE: 27 | | EA | 9.90 |
| 63.0 | 25% CO2/BAL ARGON CYLINDER "S" CYLINDER SIZE: 88 | | EA | 9.90 |
| 64.0 | SIZE B (AL) - 30 PPM SULFUR DIOXIDE 30 PPM NITRIC OXIDE BAL. NITROGEN CYLINDER SIZE: 140 | | EA | 398.00 |
| 65.0 | NITROGEN-NF GRADE SIZE "J" CYLINDER SIZE: 300 | | EA | 9.95 |

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| 66.0 | AIR ULTRA ZERO GRADE SIZE "J" CYLINDER SIZE: 311 | | EA | 99.50 |
| 67.0 | CO2-USP MED GRADE SIZE "S" CYLINDER SIZE: 20# | | EA | 10.50 |
| 68.0 | NITROGEN NF GRADE SIZE "S" CYLINDER SIZE: 80 | | EA | 6.95 |
| 69.0 | 25% ARGON, HELIUM CYLINDER SIZE: H CYLINDER SIZE: 244 | | EA | 49.95 |
| 70.0 | 1% ISOBUTANE BAL. ARGON ANALYZED CYLINDER SIZE: H CYLINDER SIZE: 200 | | EA | 59.95 |
| 71.0 | 3000 PPM, CARBON MONOXIDE 30 PPM NITRIC OXIDE 30 PPM SULFUR DIOXIDE BALANCE NITROGEN - ANALYZED CYLINDER SIZE: H CYLINDER SIZE: 140 | | EA | 498.00 |
| 72.0 | 30 PPM NITRIC OXIDE BALANCE NITROGEN - ANALYZED CYLINDER SIZE: H CYLINDER SIZE: 140 | | EA | 298.00 |
| 73.0 | HYDROGEN - ZERO GRADE CYLINDER SIZE: J CYLINDER SIZE: 286 | | EA | 49.95 |
| 74.0 | CO2/ARGON/HELLIUM CYLINDER SIZE: H CYLINDER SIZE: 213 | | EA | 17.70 |

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| 75.0 | GP1BO LIQUID NITROGEN GAS PACK CYLINDER SIZE: 4100 | | EA | 35.20 |
| 76.0 | OXYGEN INDUSTRIAL CYLINDER SIZE: S CYLINDER SIZE: 90 | | EA | 3.00 |
| 77.0 | OXYGEN - UPC GRADE CYLINDER SIZE: J CYLINDER SIZE: 336 | | EA | 198.00 |
| 78.0 | CO2/AIR - USP MEDGR. CYLINDER SIZE: H CYLINDER SIZE: 214 | | EA | 34.95 |
| 79.0 | 3000 PPM CARBON MONOXIDE CYLINDER SIZE: S 30 PPM NITRIC OXIDE 30 PPM SULFUR DIOXIDE BAL. NITROGEN ANALYZED CYLINDER SIZE: 140 | | EA | 498.00 |
| 80.0 | HYDROGEN - BAL. ARGON ANALYZED MIXTURE CYLINDER SIZE: 214 | | EA | 59.95 |
| 81.0 | HELIUM - 99.9999 RESEARCH GRADE CYLINDER SIZE: J CYLINDER SIZE: 291 | | EA | 225.00 |
| 82.0 | HELIUM - PREPURIFIED CYLINDER SIZE: H CYLINDER SIZE: 244 | | EA | 37.00 |

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| 83.0 | HYDROGEN/ARGON 5% HYDROGEN BAL. ARGON UN1954 CYLINDER SIZE: H CYLINDER SIZE: 214 | | EA | 39.95 |
| 84.0 | NITROUS OXIDE USP STUBBY CYLINDER UN1070 CYLINDER SIZE: 25# | | EA | 29.95 |
| 85.0 | RENTAL CHARGE FOR 160L DEWAR - PER MONTH | | EA | 18.00 |
| 86.0 | 13LC32 - LS240 LIQUID NITROGEN DEWAR \$59.95/DWR - RENTAL \$50.00/MONTH | | EA | 59.95 |
| 87.0 | 11GL32 - GP220 LIQUID ARGON DEWAR \$394.95/DWR - RENTAL \$50.00 MONTH | | EA | 394.95 |
| 88.0 | 13S24 STUBBY CYLINDER - NITROGEN - PREPURIFIED \$17.95/CYL - DELIVERY \$5.95/CYL | | EA | 17.95 |
| 89.0 | 15LH12 - 30-LITR LIQUID HELIUM DEWAR \$5.75 PER LITER - DELIVERY \$5.95/DWR | | EA | 5.75 |
| 90.0 | 15H12 - 60 LITER LIQUID HELIUM DEWAR \$5.75 PER LITER - DELIVERY \$5.95/DWR | | EA | 5.75 |
| 91.0 | LIQUID NITROGEN (PER LITER FILL) \$5.95 PER LITER - NO DELIVERY CHARGE | | EA | 5.95 |
| 92.0 | 13GL32 - 6P220 LIQUID NITROGEN GAS \$50.00 RENTAL | | PACK | 54.95 |

This Notice of Award/Purchase Order is issued in accordance with the specific requirements described herein and the State's Purchasing Regulations and General Conditions of Purchase, copies of which are available at www.purchasing.state.ri.us. Delivery of goods or services as described herein shall be deemed acceptance of these requirements.

COPY

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| STATE PURCHASING AGENT/DESIGNEE |
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Notice of Price Agreement Award

Page 12 of 12
Printed: 4/16/2003

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CAPITOL HILL
PROVIDENCE RI 02908

| | | | |
|----------------------------|---|---|--|
| V E N D O R | MEDICAL TECHNICAL GASES INC 20 HALL ST MEDFORD MA 02155 | GASES- MED, LAB & INDUSTRIAL | |
| | | Award Number 68M203821A | Effective Period: 7/1/01 - 7/31/04 |

| | | | | |
|----------------------------|--|--|---------------------------------|--|
| S H I P T O | ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA | Date: 04/16/2003 Buyer: LINDA ROCHE Shipping: F.O.B., Destination Terms: Net 30 | I N V O I C E | ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA |
| | | | | |

| Department | | Bid Number | Requisition Number |
|----------------|---|------------|--------------------|
| ADMINISTRATION | | MPA-169 | 12284 |
| Item | | Unit | Unit Price |
| | <p>ALL TANKS CONTAINING LIQUID NITROGEN WILL HAVE A PRESSURE GAUGE WHERE THE ACTUAL PRESSURE INSIDE THE TANK CAN BE DETERMINED. ALSO REQUIRED IS A 22 PSI RELIEF VALVE.</p> <p>DISCOUNT FROM PRICE CATALOG FOR ITEMS NOT LISTED:</p> <p>5% FROM THE MATHESON 10/31/98 PRICE LIST.</p> <p>VENDOR WILL PROVIDE CATALOG UPON REQUEST.</p> <p>A ONE-TIME RENTAL/DELIVERY CHARGE OF \$5.95 PER CYLINDER WILL BE BILLED AT THE TIME OF SHIPMENT EXCEPT FOR ITEMS #2, #28, #29 AND #41, WHICH WILL BE BILLED AT A ONE-TIME RENTAL/DELIVERY CHARGE OF \$2.95 PER CYLINDER AT THE TIME OF SHIPMENT.</p> <p>AGENCY OWNED CYLINDERS WILL BE REPAIRED @ \$9.95 PER CYLINDER; HYDRO TESTING FOR VALVES @ \$14.95 PER CYLINDER; PAINTING @ \$9.95 PER CYLINDER.</p> <p>LOST CYLINDERS WILL BE BILLED AT MED-TECH'S CURRENT PUBLISHED LIQUIDATED REPLACEMENT CHARGE.</p> <p>PRICES WILL BE FIRM FROM 7/1/01 THROUGH 7/31/04. AFTER 7/31/04 PRICES WILL BE INCREASED PER YEAR ON THE FOLLOWING BASIS:</p> <p>20% RATIO OF INCREASE IN INDUSTRIAL POWER PLUS 60% RATIO INCREASE IN DIESEL FUEL #2 PLUS 20% RATIO IN C.P.I. INDEX RATE.</p> <p>DELIVERY OF GOODS OR SERVICES AS REQUESTED BY AGENCY.</p> <p>VENDOR TELEPHONE #: 781-395-1946 or 800-FINEGAS</p> | | |

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COPY

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|---------------------------------|
| STATE PURCHASING AGENT/DESIGNEE |
| |

TERMS AND CONDITIONS OF PRICING AGREEMENT

SCOPE AND LIMITATIONS - This Agreement covers requirements as described herein, ordered by State agencies during the Agreement Period. No additional or alternative requirements are covered, unless added to the Agreement by formal amendment by the State Purchasing Agent or his designee.

Under State Purchasing Law, 37-2-54, "no purchase or contract shall be binding on the state or any agency thereof unless approved by the department [of administration] or made under general regulations which the chief purchasing officer may prescribe." Under State Purchasing Regulation 8.2.1.1.2, "any alleged oral agreement or arrangements made by a bidder or contractor with any agency or an employee of the Office of Purchases may be disregarded and shall not be binding on the state."

PRODUCT ACCEPTANCE - All merchandise offered or otherwise provided shall be new, of prime manufacture, and of first quality unless otherwise specified by the State. The State reserves the right to reject all nonconforming goods, and to cause their return for credit or replacement, at the State's option.

- a) Failure by the state to discover latent defect(s) or concealed damage or non-conformance shall not foreclose the State's right to subsequently reject the goods in question.
- b) Formal or informal acceptance by the State of non-conforming goods shall not constitute a precedent for successive receipts or procurements.

Where the vendor fails to cure the defect promptly or replace the goods, the State reserves the right to cancel the Release, contract with a different vendor, and to invoice the original vendor for any differential in price over the original contract price.

ORDER AUTHORIZATION AND RELEASE AGAINST PRICING AGREEMENT

In no event shall the Vendor deliver goods or provide service until such time as a duly authorized release document is certified by the ordering Agency.

State Agencies shall request release as follows: All releases shall reference the Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein.

A Department Purchase Order (DPO) listing the items ordered shall be created by the agency. The agency may mail or fax a copy of the order to the Vendor. In some cases the agency may request delivery by telephone, but must provide the Vendor with a DPO Order Number reference for billing purposes. Vendors are encouraged to require written orders to assure payments are processed accurately and promptly.

DELIVERY – If this is an MPA, Vendor will obtain "ship to" information from each participating agency. This information will be contained in the DPO. APA delivery information will be contained in the Notice of Award.

PRICING - All pricing shall be as described herein, and is considered to be fixed and firm for the term of the Agreement, unless specifically noted to the contrary herein. All prices include prepaid freight. Freight, taxes, surcharges, or other additional charges will not be honored unless reflected herein.

INVOICING – All invoices shall reference the DPO Order Number(s), Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein. If this is an MPA, Vendor will obtain "bill to" information from each participating agency. This information will be contained in the DPO. APA billing information will be contained in the Notice of Award.

PAYMENT - Invoices for items not received, not priced according to contract or for work not yet performed will not be honored. No payment will be processed to any vendor for whom there is no IRS W-9 on file with the State Controller.